<div align="center">**REMARKS**</div>

I.   Introduction

This paper addresses the non-final Office Action of April 1, 2009, in connection with the above-captioned application. Claims 13-34 stand rejected. Claims 15, 22, and 26-34 are presently amended. No new matter has been added; all amendments to the claims are supported by the original disclosure. Claims 13-34 are currently pending. Reconsideration of the application is respectfully requested in light of the Amendment and the following remarks.

II.   Rejection of Claims 26-34 under 35 U.S.C. § 112 ¶ 1

Claims 26-34 were rejected for allegedly failing to comply with the written description requirement of 35 U.S.C. § 112 ¶ 1. Specifically, the Office Action asserts that the application does not provide support for the "processor readable medium" recited in the claims.

Although the rejection is not agreed with, to facilitate prosecution, claims 26-34 are amended herein. As amended the claims no longer refer to a processor readable medium. It is respectfully submitted that the claims as presented are fully supported by the application as originally filed, in compliance with the requirements of 35 U.S.C. § 112 ¶ 1. Accordingly, withdrawal of the rejection is respectfully requested.

III.   Rejection of Claims 13-34 under 35 U.S.C. § 103(a)

Claims 13-34 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over the proposed combination of U.S. Patent No. 6,441,832 ("Tao") and U.S. Patent No. 5,099,422 ("Foresman"). The rejection is traversed for at least the following reasons.

Example embodiments of the present invention are directed towards systems and methods for dynamically creating individualized, multi-media messages for delivery to an intended audience, which can be specific groups or individuals. A message, story, or advertisement is assembled on demand, based upon rules applied to each user's profile data and the available library of media segments. The narrative framework for the final personalized message is a story as defined by a message campaign. The message campaign includes a message template and a collection of media segments. The media segments are selected and then assembled to produce the final personalized message at assembly time. Specific media segments

are selected and merged according to the message template and information about the viewer derived from a user profile.

For example, FIG. 6 illustrates a message template in accordance with an example embodiment of the present invention. As can be seen in FIG. 6, a message template may provide identified slots for both audio and video segments, and those slots may be located at particular times within the final message. Accordingly, such message templates may ensure that the assembled message conforms to a specific structure.

In this context, claim 13 recites:

A computer implemented method for distributing a customized video commercial, wherein all steps are performed by the computer, said method comprising:

(i) receiving from an advertiser a request to create a customized video commercial, said request comprising (a) identification of a target audience to whom said customized video commercial is to be distributed and (b) a sample video commercial comprising a plurality of sample video segments and a plurality of sample audio segments, wherein said sample video commercial has an advertising message;

(ii) generating a video commercial template in response to receiving said request, said video commercial template comprising (a) a plurality of fillable video segment slots, each fillable video segment slot arranged at a specific time point within said video commercial template and (b) a plurality of fillable audio segment slots, each fillable audio segment slot arranged at a specific time point within said video commercial template;

(iii) storing in a resource library (a) a plurality of video segments, each video segment forming a portion of a complete video commercial and (b) a plurality of audio segments, each audio segment forming a portion of a complete video commercial;

(iv) defining one or more rules for filling said plurality of fillable video segment slots with said video segments and for filling said plurality of fillable audio segment slots with said audio segments based on defined characteristics which are to be acquired regarding said target audience;

(v) acquiring characteristics regarding said target audience from one or more sources;

(vi) filling said fillable video segment slots with said video segments and said fillable audio segment slots with said audio segments based on said defined rules and said acquired characteristics to create said customized video commercial; and

(vii) distributing said customized video commercial to said target audience, wherein said customized video commercial has at least one of a video segment and an audio segment that is different from said sample video segment and sample audio segment respectively, and wherein said customized video commercial has at least one video segment or audio segment that is the same as at least one of said sample video segment or sample audio segment.

The combination of Tao and Foresman fails to teach, suggest, or render obvious each of the elements of claim 13. For example, claim 13 provides for a "commercial template" which includes both fillable video segment slots and fillable audio segment slots, each fillable at a specific time point within said video commercial template. Claim 13 also provides for filling such slots with video segments and audio segments based on defined rules and acquired characteristics to create said customized video commercial. By providing such elements, the method of claim 13 is able to create customizable messages suitable for dynamic insertion into television programming, and other real-time media sources. The insertion of customized messaging content into such media is not simply a matter of assembling and inserting content. For example, in order to insert a custom message into a television commercial slot, the custom message may need to be of a particular size or duration. By providing for a template which has defined slots for video and audio, the method is able to insure that no matter which video or audio segments are ultimately used to create a message, the message will have a suitable structure, as well as being targeted at the intended audience.

Neither reference teaches or suggests creating or using such templates. The Office Action asserts that such elements may be found in Tao at Fig. 13; col. 5 l. 66 – col. 6, l. 4; col. 9 l. 23-29, 56-58; and col. 10, l. 55-67. However, those sections of Tao, and Tao in general, make no reference to the creation of customized messages or to templates used in assembling such messages. Rather Tao simply contemplates the creation and modification of playlists for media content. Even if Tao were understood as suggesting that playlists may be used to create a customized message, which is not the case, because a playlist is inherently different than a template in this context. A template is able to enforce the structure of a customized message before that message is created. Thus the templates of claim 13 include both fillable video segment slots and fillable audio segment slots, each fillable at a specific time point within said video commercial template. By providing such templates, the method of claim 13 is able to ensure that the customized messages created comply with the structure of the template. This is not true of the playlists of Tao. Of course once an actual playlist is created it has some structure. Thus, while each segment in a playlist obviously may be located at a specific time **once constructed**, the playlist does nothing to ensure that media content is assembled in an acceptable way before or during playlist creation.

The Office Action does not suggest that Foresman teaches or suggests such elements, and, in fact, Foresman does not do so. Although Foresman may describe the creation of customized information, Foresman does not teach or suggest the templates of claim 13. Rather Foresman simply describes selecting media content and recording that content on a physical medium for distribution to a user. See, e.g., col. 5, l. 52-68. That Foresman would not teach or suggest such templates is natural, as the system of Foresman simply records the customized information it creates on flexible media, e.g., video tapes, which impose few limitations on the structure of the resultant information.

Accordingly, it is respectfully submitted that the proposed combination of references does not teach, suggest, or render obvious the elements of claim 13. In addition, independent claims 22 and 26 recite features similar to those described above and it is respectfully submitted that the references do not teach, suggest, or render obvious the elements of those claims for similar reasons. It is, therefore, respectfully submitted that claims 13, 22, 26, and their dependent claims, are patentable over the proposed combination of references for at least reasons similar to those presented above. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Accordingly, for at least the reasons outlined above, Applicants submit that the claims are in condition for allowance and request a favorable action in the form of a Notice of Allowance.

Respectfully submitted,

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